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WAR DEPARTMENT

BASIC FIELD MANUAL

MILITARY GOVERNMENT

FM 27–5

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MILITARY GOVERNMENT

Prepared under direction of
The Judge Advocate General

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BY ORDER OF THE SECRETARY OF WAR:

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BASIC FIELD MANUAL

MILITARY GOVERNMENT

SECTION I

GENERAL

■ 1. SCOPE.—This manual deals primarily with the policy of military government and its administration. Chapter 10, FM 27–10 (now published as BFM, Vol. VII, pt. two), deals primarily with the legality of military government. The chapter cited tells what may legally be done, this manual what it is advisable to do.

■ 2. PURPOSE.—The purpose of this manual is to furnish a guide for the War Department in planning military government, for commanders and their staffs in its establishment, and for personnel of all ranks in its operation.

■ 3. DEFINITION.—Military government is that form of government which is established and maintained by a belligerent by force of arms over occupied territory of the enemy and over the inhabitants thereof. In this definition the term *territory of the enemy* includes not only the territory of an enemy nation but also domestic territory recovered by military occupation from rebels treated as belligerents.

■ 4. OCCASION.—The military occupation of enemy territory suspends the operation of the enemy's civil government therein. It therefore becomes necessary for the occupying power to exercise the functions of civil government in the maintenance of public order. Military government is the organization through which it does so.

■ 5. AUTHORITY.—The exercise of military government is a command responsibility, and full legislative, executive, and judicial authority is vested in the commanding general of the theater of operations. By virtue of his position he is the military governor of the occupied territory and his supreme authority is limited only by the laws and customs of war.

particularly those set out in chapter 10, FM 27–10, and by such instructions as he may receive from higher authority.

■ 6. PLANNING.—The Personnel Division (G–1) of the War Department General Staff is responsible for the preparation of plans for and the determination of policies with respect to military government. The personnel section (G–1) of the staff of the commanding general, theater of operations, will, in advance of the necessity for the establishment of military government, make such further and more detailed plans therefor as may be necessary.

■ 7. PROCUREMENT OF PERSONNEL.—Pursuant to the plans made as provided in paragraph 6, the necessary personnel, commissioned, warrant, and enlisted, will be selected and procured. If the war is such as to require the maximum man power of the United States for combat and if hostilities are still in progress or only temporarily suspended, personnel for military government should be selected from those unsuited for combat duty by age, physical disability, existence of dependents, or otherwise. They should be selected by reason of knowledge or experience particularly fitting them for the work to which it is anticipated that they will be assigned. Those having experience in a former military government, in our own Federal government, or in that of a state, county, or city, or in public utilities, or as lawyers, physicians, civil engineers, and those well acquainted with the country to be occupied by former residence or travel therein are especially valuable. Knowledge of the language of the inhabitants is highly desirable but not indispensable. Civilian citizens of the United States should not be employed in military government. If particularly suitable individuals, not in the military service, are available and desired, they should be commissioned, warranted, or enlisted. Insofar as tactical requirements permit, selection and procurement of personnel will be made long enough in advance of the necessity for their use to permit their adequate instruction and training.

■ 8. TRAINING.—The Personnel Division (G–1) of the War Department General Staff plans and supervises the instruc-

tion and training of the personnel necessary for military government. In accordance with such plans and subject to such supervision, the personnel section (G–1) of the staff of the commanding general, theater of operations, makes such further and more detailed plans as may be necessary with respect to such instruction and training, so far as they may be carried on in that theater, and supervises them. So far as time and available facilities permit, the instruction will cover the law and practice of military government, the history of such governments in the past, and the language, geography, history, economics, government, and politics of the country to be occupied. In advance of the need for its use, the Military Intelligence Division (G–2) of the War Department General Staff will furnish data on the subjects last mentioned which may be used for instructional purposes. These data will be furnished to the theater commander and distributed to all officers and warrant officers employed in military government and to such enlisted men as may need them.

SECTION II

POLICIES

■ 9. BASIC.—Any plan of military government should conform to the following basic policies:

a. Military necessity.—The first consideration at all times is the prosecution of the war to a successful termination. So long as hostilities continue, the question must be asked, with reference to every intended act of the military government, whether it will forward that object or hinder its accomplishment. The administration of military government is subordinate to military necessities involving operations, security, supply, transportation, and housing of our troops. If hostilities are suspended by an armistice or otherwise, all plans and dispositions must be made so that the troops may resume hostilities with the least inconvenience to themselves and to the operations of the military government, and, above all, under conditions most conducive to a successful termination of the war.

b. Welfare of the governed.—Subject only to the foregoing, military government should be just, humane, and as mild as

practicable, and the welfare of the people governed should always be the aim of every person engaged therein. As military government is executed by force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity—virtues adorning a soldier even more than other men for the very reason that he possesses the power of his arms against the unarmed. Not only religion and the honor of the Army of the United States require this course but also policy. The object of the United States in waging any war is to obtain a favorable and enduring peace. A military occupation marked by harshness, injustice, or oppression leaves lasting resentment against the occupying power in the hearts of the people of the occupied territory and sows the seeds of future war by them against the occupying power when circumstances shall make that possible; whereas just, considerate, and mild treatment of the governed by the occupying army will convert enemies into friends.

c. Flexibility.—A plan for military government must be flexible. It must suit the people, the country, the time, and the strategical and tactical situation to which it is applied. It must not be drawn up too long in advance or in too much detail, and must be capable of change without undue inconvenience, if and when experience shall show change to be advisable.

d. Economy of effort.—Every man engaged in military government is withdrawn either from the combatant forces or from productive labor at home. All plans and practices should be adopted with a view of reducing to the minimum consistent with the proper functioning of military government the number of the personnel of our Army employed in that government and the amount of work required of them.

e. Permanence.—The system of military government should be planned so as to provide permanence for the duration of the occupation, and thus insure continuity of policy. Frequent changes in personnel or policy are to be avoided.

■ 10. SECONDARY.—As corollaries of the foregoing basic policies, the following policies should be followed in the planning and operation of military government. Experience in former military governments shows the desirability of so doing.

a. Supremacy of the commanding general.—It follows from the basic policy of military necessity (par. 9*a*) that the commanding general of the theater of operations, who is responsible for the success of the army there operating, must also have full control of military government therein. (See par. 5.)

b. Separate personnel for military government.—It also follows from the basic policy of military necessity (par. 9*a*) that, so long as hostilities continue, personnel of combatant units should not be charged with any responsibility for military government, and separate personnel should be provided therefor. If hostilities are suspended by an armistice or otherwise, duties with respect to military government may properly be imposed upon the personnel of combatant units only if the probability of a resumption of hostilities is extremely remote.

c. *Retention of existing civil personnel.*—It follows from the basic policy of economy of effort (par. 9*d*) that, so far as reliance may be placed upon them to do their work loyally and efficiently, subject to the direction and supervision of the military government, the executive and judicial officers and employees of the occupied country, its states, provinces, counties, and municipalities should be retained in their respective offices and employments, and held responsible for the proper discharge of their duties. If unwilling to continue in the performance of their duties, they may, as a matter of international and military law, be compelled to do so, any law of their own country to the contrary notwithstanding, provided the services required do not involve them in military operations against their own country. Whether officers and employees shall be required to serve against their will is a question of policy only, to be decided by the proper authorities of the military government in the light of the circumstances. The personnel of the military government should, so far as possible, deal with the inhabitants through the officers and employees of their own government.

d. Avoidance of changes in existing laws, customs, and institutions.—The existing laws, customs, and institutions of the occupied country have been created by its people, and are presumably those best suited to them. They and the officers and employees of their government are familiar with them,

and any changes will impose additional burdens upon the military government. Therefore, it follows from the basic policies of welfare of the governed (par. 9*d*) and economy of effort (par. 9*d*) that the national and state laws and local ordinances of the occupied territory should be continued in force, the habits and customs of the people respected, and their governmental institutions continued in operation, except insofar as military necessity (par. 9*a*) or other cogent reasons may require a different course.

e. Retention of existing political divisions.—The people of the country occupied, and the officers and employees of their government are familiar with the existing division of the country into states or provinces, counties or departments, and cities or communes. The laws and ordinances in force in one of these divisions are often different from those in another and would be unsuitable in that other. Disregard of these divisions will be disadvantageous to the people and place additional burdens upon the military government. It therefore follows from the basic policies of welfare of the governed (par. 9*b*) and economy of effort (par. 9*d*) that the military government should be so organized that its territorial divisions coincide with those previously existing, except insofar as military necessity (par. 9*a*) or other cogent reasons require a different course.

SECTION III

CIVIL AFFAIRS SECTION OF THE STAFF OF THE COMMANDING GENERAL, THEATER OF OPERATIONS

■ 11. ESTABLISHMENT.—Whenever the establishment of military government is contemplated, the commanding general of the theater of operations will create a section of his staff, called the civil affairs section or the office for civil affairs, or by a similar title. Thereafter, pursuant to the policy of separate personnel for military government (par. 10*b*), though they will consult together whenever necessary and coordinate their policies, the general and special sections of the military staff of the commanding general will have no responsibilities with respect to civil government, and the civil affairs section will have no responsibilities with respect to military matters.

■ 12. OFFICER IN CHARGE OF CIVIL AFFAIRS.—*a. Position, qualifications, and rank.*—The officer in charge of civil affairs will be the head of the civil affairs section of the staff of the commanding general of the theater of operations. He will be most carefully selected for his knowledge of, experience in, and qualifications for military government, and should have rank commensurate with his important responsibilities.

b. Duties.—The duties of the officer in charge of civil affairs are—

(1) Adviser to the commanding general and the staff on matters pertaining to the administration of civil affairs in occupied territory.

(2) Handling for the commanding general, in accordance with his approved policies, matters in connection with such military supervision or control of civil affairs as is necessary.

(3) Supervision of civil affairs in subordinate territorial commands.

■ 13. ORGANIZATION.—The civil affairs section will be organized in such manner as the officer in charge of civil affairs, subject to the approval of the commanding general, shall decide. A type organization of such a section by departments follows, suitable for the occupation of a territory of considerable size for some time; but departments may be combined or omitted, or the work of the section otherwise divided, as the exigencies of the particular occupation may require or as experience may show to be advisable. If the country occupied has a well organized civil government whose personnel remain at their posts and perform their duties satisfactorily, the volume of work falling upon the military government will be much diminished and it may be possible to combine some of the departments or omit them.

a. Public works and utilities.—This department will supervise railroads, canals, harbors, rivers, lighthouses, buoys, roads, bridges, busses, trucks, street railways, gas, electricity, water works, sewerage, drainage, irrigation, forests, and the like. The officer in charge of it should be an engineer by profession.

b. Fiscal.—This department will supervise the financial affairs of the occupied territory, including taxes, customs, dis-

bursements, coinage, currency, foreign exchange, banks, stock exchanges, and similar matters. It will receive any taxes, contributions, fines, or penalties collected by the military government. It will establish an adequate audit of the financial transactions of the military government and such additional audit of the financial transactions of the civil government as may be necessary for the purposes of military government. The officer in charge of this department should have had wide experience in financial matters.

c. *Public health.*—This department will exercise supervision over the public health, including sanitation, the control of communicable diseases, the protection of food, milk, and water supply, hospitals, drugs, the practice of medicine, dentistry, midwifery, pharmacy, and veterinary medicine, diseases of animals, and similar matters. The officer in charge of this department will be a doctor of medicine, preferably with training and experience as a health officer.

d. Education.—This department will supervise universities, colleges, and schools of all sorts, public and private. The officer in charge of it should have had experience in the teaching profession, preferably as an executive.

e. Public safety.—(1) This department will have as its most important responsibility the maintenance of order and prevention of crime among the civilian population. It will supervise civilian police, prisons, and fire departments, the traffic in liquor and narcotics, the circulation of civilians, identification cards, and similar matters.

(2) The military intelligence section of the general staff will establish policies, and, in consultation with this department, will prepare orders and regulations with respect to censorship. The duty of supervising their enforcement upon the inhabitants is a responsibility of this department. Though this department will not have charge of the military police, it will consult with the Provost Marshal General as to their activities insofar as they are used as an agency for the purposes above mentioned.

(3) The officer in charge of this department should have had experience in military or civilian police duties.

f. Legal.—The duties of this department will include the following and similar matters:

(1) Supervision of military commissions and provost courts, examination of their records and advice with respect to action thereon, and filing of such records.

(2) Supervision of the civil courts, of public prosecutors, and of the practice of law.

(3) Legal advice to the commanding general, the officer in charge of civil affairs, and other personnel engaged in military government in respect to the operation of such government and matters concerning it.

(4) The consideration of claims of inhabitants of the occupied territory against the United States or its officers, enlisted men, or employees; and of claims by the United States, its officers, enlisted men, or employees against the enemy country, its states, provinces, counties, cities, communes, or inhabitants. The officer in charge of this department should be a lawyer by profession, preferably one experienced in governmental or municipal matters.

g. Communication.—This department will supervise the postal service, telegraphs, telephones, radio, and other means of communication among the inhabitants of the occupied territory and between such inhabitants and other countries and territories. Though this department will not supervise censorship, its personnel will cooperate in its enforcement. The officer in charge of this department should have had experience in the postal service or in connection with telegraphs, telephones, or the radio.

h. Public welfare.—This department will supervise the care of the poor, infants, children, and the aged, and all charitable institutions and organizations. The officer in charge of it should have had experience as a welfare worker or in charitable institutions.

i. Economics.—This department will supervise the agriculture, manufactures, and trade of the occupied territory, its mines and oil wells, exports and imports, the supply of the inhabitants with food, fuel, and other necessaries, the supply of labor, strikes, lock-outs, and disputes, and like matters. The officer in charge of this department should have had experience in the matters with which it deals.

■ 14. UNIFORM WORN BY PERSONNEL ON CIVIL AFFAIRS DUTY.—All persons on civil affairs duty will wear the uniform of their

arm or service and insignia of grade and in addition a purple arm band bearing the letters "CA" in white, or such other distinctive device as the commanding general of the theater of operations may direct.

SECTION IV

ORGANIZATION

■ 15. GENERAL.—The officer in charge of civil affairs on the staff of the commanding general, theater of operations, will submit to the commanding general timely recommendations as to the organization of military government, which will be such as the commanding general may direct. The organization will depend upon the tactical situation, the geography and civil government of the occupied territory, the extent to which reliance may be placed upon its officers to remain at their posts and perform their duties satisfactorily, the characteristics and disposition of the people, and other attendant circumstances. If hostilities are still in progress, or, even if they are suspended, if there is any likelihood of their resumption, pursuant to the policy of separate personnel for military government (par. 10*b*), tactical units should not be made organs of military government, nor should any duties with respect to military government be imposed upon their commanding generals or officers, staffs, or personnel.

■ 16. STATES OR PROVINCES.—Pursuant to the policy of retention of existing political divisions (par. 10*e*), if the occupied territory is divided into states or provinces, it will generally be advisable to detail an officer in charge of civil affairs for each state or province occupied, with station at its capital, and to furnish him with appropriate commissioned, warrant, and enlisted assistants. His office should be organized similarly to that of the civil affairs section at headquarters of the theater of operations, though so many departments may not be needed.

■ 17. MILITARY DISTRICTS.—If the occupied territory is not divided into states or provinces, but has been or shall be divided by the commanding general, theater of operations, for administrative purposes into districts or sections, as was done

by the commander in chief, American Expeditionary Forces in France, the commanding general of each such district or section may be directed to assume responsibility for military government therein, to detail an officer in charge of civil affairs, and to set up a civil affairs section of his staff, which should be organized as above stated (par. 13).

■ 18. TACTICAL UNITS AS ORGANS OF MILITARY GOVERNMENT.—*a. Armies, corps, and divisions.*—If hostilities have ceased or if they have been suspended and the probability of their resumption is remote, armies, corps, and divisions may be used as organs of military government; and the commanding general of each army, corps, or division may be directed to assume responsibility for military government in the area occupied by his unit, to detail an officer in charge of civil affairs, and to set up a civil affairs section of his staff.

b. Smaller tactical units.—Upon the same conditions and in a similar manner, smaller tactical units may be used as organs of military government, but in general the smaller the unit the smaller is its staff, the more desirable it is that the commanding officers and staff devote their time and energy solely to the training of their men, and the greater is the risk that it will not function satisfactorily as an organ of military government.

c. *Staffs.*—Whenever any tactical unit is used as an organ of military government, the staff of the commanding general or officer should be organized, insofar as concerns military government, like that of the commanding general of the theater of operations (par. 13), except that in general the smaller the tactical unit the smaller the civil affairs section will be and the fewer the number of its departments. Pursuant to the basic policy of permanence (par. 9*e*), whenever a tactical unit used as an organ of military government is moved, its civil affairs section should be transferred to the staff of the new unit occupying the same area, or otherwise retained on the same duties.

d. Boundaries of areas.—Pursuant to the policy of retention of existing political divisions (par. 10*e*), the boundaries of the area occupied by a unit used as an organ of military government should coincide with existing political boundaries.

■ 19. COUNTIES AND CITIES.—In most countries there will be found a political division of approximately the size of an American county, called county, department, *Kreis*, or by some other name. It will generally be found advisable to detail an officer to supervise the government of each such division. It will also generally be found advisable to detail an officer to supervise the government of each incorporated city, except very small ones. Such an officer may be called the officer in charge of civil affairs for the county or the city, or by a similar title. Such assistants, if any, as the nature and volume of the work require will be furnished him.

SECTION V

MILITARY TRIBUNALS

■ 20. GENERAL.—Military tribunals will be of the kind, number, and composition, shall have such jurisdiction and powers, shall follow such procedure, and keep such records, as the commanding general, theater of operations may direct. Experience in past military occupations by the Army of the United States has shown such an organization as the following to be advisable, but it may be modified as the circumstances of the particular occupation may require.

■ 21. ESTABLISHMENT.—AS soon as practicable after entry into the enemy's territory, the commanding general of the theater of operations will establish necessary military tribunals, and by publication of ordinances (sec. VIII) or other appropriate method will notify the inhabitants thereof of the offenses for which they may be tried by such tribunals, and of the punishments which such tribunals may impose.

■ 22. KINDS.—In general, there will be three kinds of military tribunals—

Military commissions.
Superior provost courts.
Inferior provost courts.

Special tribunals may be established for the trial of vagrants, prostitutes, juveniles, or other classes of offenders, or for civil cases (par. 32).

■ 23. COMPOSITION.—*a.* A *military commission* shall consist of any number of officers not less than five, one of whom shall be the law member, a trial judge advocate, and a defense counsel. One or more assistant trial judge advocates and assistant defense counsel may be appointed.

b. A superior provost court shall consist of one officer, who shall be an officer of field grade unless none such is available.

c. *An inferior provost court* shall consist of one officer.

■ 24. BY WHOM APPOINTED.—*a. Military commissions* may be appointed by the commanding general of the theater of operations only, and, if that power shall be delegated by him to them, by the commanding generals of armies, corps, divisions, or military districts, or by the officers in charge of civil affairs for states, provinces, or military districts.

b. Superior provost courts may be appointed by the commanding general of the theater of operations, by the commanding generals of armies, corps, or divisions if those units are used as organs of military government, and by the officers in charge of civil affairs for states, provinces, or military districts.

c. *Inferior provost courts* may be appointed as are superior provost courts and also by the commanding officers of smaller tactical units used as organs of military government and by officers in charge of civil affairs for counties or cities. If but a single officer is on duty in a tactical unit used as an organ of military government or if but a single officer is on duty in connection with civil affairs in a county or city, such officer shall be an inferior provost court.

■ 25. JURISDICTION.—*a. Over persons.*—The military tribunals herein enumerated shall have jurisdiction over all persons within the occupied territories except those having diplomatic immunity and those subject to the military or naval law of the United States or of countries allied or associated with the United States. Persons subject to the military law of the United States charged with offenses will be tried by court martial.

b. Over offenses.—The military tribunals herein enumerated have jurisdiction over all acts or omissions made crimes or offenses by the laws of the country occupied, over offenses against the laws of war, and over violations of the proclama-

tions, ordinances, regulations, or orders promulgated by the commanding general, theater of operations, or by any of his subordinates within the scope of his authority. However, if the courts of the occupied country are open and functioning satisfactorily, they should be permitted to try persons charged with offenses against the laws of that country not involving the United States, its property, rights, or interests, or the person, property, or rights of a member of the occupying forces. The commanding general, theater of operations, or, if that power is delegated to him, a subordinate officer in charge of civil affairs, may withdraw any case or class of cases from a court of the occupied country and direct that it or they be dropped or tried by a military tribunal. Such power should be exercised with respect to any prosecution inimical to the interests of the United States. Each military tribunal shall have jurisdiction over such charges only as may be referred to it for trial by the officer appointing it or his successor. If that officer shall consider charges deserving of severer punishment than can be imposed by the court to which he may refer them, he will forward them to higher authority, recommending reference to a higher tribunal. An officer who is an inferior provost court because he is the only officer present may try such charges as he or others may prefer, or may forward them to higher authority.

■ 26. BAIL.—As soon as conditions render it practicable to do so, the commanding general of the theater of operations, or, if that power is delegated by him to them, subordinate commanders or officers in charge of civil affairs will issue orders announcing in what cases, under what conditions, and by whom persons awaiting trial by military tribunals may be admitted to bail or released without bail but with a summons to appear for trial. Admission to bail and release without bail but with summons are matters of discretion and not of right.

■ 27. PROCEDURE.—*a. Military commissions.*—The procedure of military commissions shall be the same as that of general courts martial, except insofar as obviously inapplicable.

b. Provost courts.—The procedure of provost courts shall be the same as that of summary courts martial, except insofar as obviously inapplicable.

c. *Counsel.*—Every defendant before a military tribunal is entitled as a matter of right to counsel of his own selection and at his own expense, but military counsel will be provided only before military commissions.

d. Attendance of witnesses.—(1) *Military witnesses.*—The attendance of military witnesses will be obtained as in the case of military witnesses before courts martial.

(2) *Civilian witnesses.*—Military tribunals are authorized to compel the attendance of civilian witnesses whose testimony they may think needed or desirable. If necessary, they may require the assistance of the local civilian authorities or request that of the military police or of any appropriate commanding officer.

e. Translation.—If the defendant and his counsel, if any, understand and speak English, the proceedings will be conducted in that language and no interpreter will be necessary. If the personnel of the military tribunal have sufficient knowledge of that language, the proceedings may be conducted in the language of the occupied territory. If neither of these conditions exists, an interpreter will be employed who will take care that defendant, his counsel, and the personnel of the tribunal are fully informed as to the entire proceeding.

f. Previous convictions.—A military tribunal may consider, after a finding of guilty and before imposition of sentence, evidence of previous convictions and sentences by either military tribunals or civil courts; provided, that evidence of conviction of an offense legally punishable by imprisonment for more than one year (whether in fact so punished or not) shall be admissible without regard to the date of commission of such offense, but evidence of conviction of an offense not so punishable shall be admitted only if the offense was committed within one year next preceding the commission of any offense of which the defendant shall have been convicted at the trial then in progress.

■ 28. SENTENCES.—*a.* (1) *Military commissions.*—A military commission may impose any lawful and appropriate sentence, including death or life imprisonment.

(2) *Superior provost courts.*—The maximum sentence which a superior provost court may impose is confinement at hard labor for 6 months and a fine of $1,000, or both.

(3) *Inferior provost courts.*—The maximum sentence which an inferior provost court may impose is confinement at hard labor for one month and a fine of $100, or both.

NOTE.—The maximum fines mentioned above should be stated in round numbers in the money current in the occupied territory.

b. (1) *Expulsion.*—When such a punishment is appropriate and its execution practicable, a military commission or superior provost court, in lieu of or in addition to any other lawful punishment, may sentence a defendant to expulsion from occupied territory.

(2) *Confiscation.*—If a defendant shall be convicted of wrongful sale, purchase, use, or possession of any article or articles or of the wrongful operation of a place of business for the sale of such articles, a military tribunal, in lieu of or in addition to any other lawful punishment, may decree the forfeiture to the United States of such article or articles or the stock thereof in his possession or place of business.

(3) *Padlocking.*—If a defendant shall be twice convicted of the wrongful sale or gift of intoxicating liquor or a habit-forming drug (including marijuana) at a certain place, or twice convicted of other violations of regulations or orders with respect to the sale of intoxicating liquors at one place, or once convicted of the wrongful operation of a house of prostitution, a military tribunal, in addition to any other lawful punishment, may order that such place be vacated and closed for a fixed time.

c. Table of maximum punishments.—In order to prevent injustice by too great diversity in the sentences imposed by different tribunals for the same offense, the commanding general of the theater of operations should publish in the ordinances (sec. VIII), or otherwise, a table fixing maximum limits of punishment to be imposed by military tribunals for the more usual offenses. The table should include a statement of the equivalent of a fine in days of confinement for the use of military tribunals in imposing alternative sentences or in case the defendant cannot pay the fine.

d. Place and manner of confinement.—The commanding general, theater of operations, will issue orders as to the place of confinement of persons sentenced by military tribunals to imprisonment, as to the labor to be required of them, and as

to other details of their confinement. Unless military necessity (par. 9*a*), the termination of the occupation, or other cogent reasons require their removal, persons serving sentences imposed by military tribunals should be confined within the occupied territory.

■ 29. RECORDS.—*a.* Charges will be preferred by a person subject to military law on a printed "Charge Sheet" (App. III). If that form is not available in print, it may be typed or written in longhand, or the charge sheet in use in the Army (W. D., A. G. O. Form No. 115) may be used, disregarding such parts as are obviously inapplicable and making such additions as are necessary. No oath to the charges is necessary.

b. The records of trials by provost courts will be kept on the back of the charge sheet.

c. Military commissions will keep a separate record of the trial of each case in form as nearly as practicable like that of a general court martial.

■ 30. DISPOSITION OF FINES.—Fines, forfeited bail, proceeds of sales of confiscated property, and other receipts of military tribunals will be paid without any deduction to the nearest disbursing officer and deposited in the Treasury as miscellaneous receipts (31 U. S. C. 484; J. A. G., A. E. F., February 6, 1919; 3 Asst. Comp. Dec., France, 138.)

■ 31. APPROVAL, CONFIRMATION, AND REVIEW.—*a. Action by the appointing authority.*—(1) *Military commissions.*—No sentence of a military commission shall be carried into effect until it shall have been approved by the officer appointing the commission or his successor.

(2) *Provost courts.*—The sentence of a provost court shall be executed forthwith without awaiting action by higher authority. Nevertheless, every record of trial by a provost court shall be examined by the officer who appointed the court, or at his headquarters, or by his successor, and such officer or his successor shall have power to disapprove or vacate, in whole or in part, any findings of guilty, to mitigate, commute, remit, or vacate any sentence, in whole or in part, and he may restore the accused to all rights affected by the findings and sentence.

b. Final review.—Every record of trial by military commission and one copy of every record of trial by provost court shall be forwarded by the officer who appointed the tribunal or his successor, after he shall have examined it, to the officer in charge of civil affairs at headquarters of the theater of operations, where it shall be examined in the legal department of that office. The chief of that department shall submit through the officer in charge of civil affairs to the commanding general such recommendations, if any, as may be appropriate with respect thereto. No sentence of death shall be carried into execution until it shall have been confirmed by the commanding general of the theater of operations. When the authority competent to confirm the sentence has already acted as approving authority no additional confirmation by him is necessary. The commanding general of the theater of operations shall have power to disapprove or vacate, in whole or in part, any findings of guilty made by any military tribunal, to mitigate, commute, remit, or vacate any sentence, in whole or in part, imposed by such tribunal, and he may restore the accused to all rights affected by the findings and sentence. He may direct that the records of trial of inferior provost courts be forwarded to some other officer or officers, in whose headquarters or offices they shall receive such review as has been above directed, and he may delegate his powers with respect to the findings and sentences of such courts to such officer or officers.

■ 32. CIVIL CASES.—If the courts of the occupied country are open and functioning satisfactorily, they should be permitted to hear and determine civil suits other than those brought against members of the occupying forces, of which they have no jurisdiction. If the occupation is likely to be brief, no provision need be made for trial of civil cases even if the courts of the occupied country are not functioning. If, however, the courts of the occupied country are not functioning satisfactorily, and the welfare of the people so requires (par. 9*b*), the commanding general, theater of operations, may confer jurisdiction in civil cases upon military commissions and provost courts or may establish separate military tribunals for such cases, and may issue such regulations as to them and as to the execution of their judgments and decrees as he may think

proper. The law to be followed in civil cases is that of the occupied country.

SECTION VI

PHASES

■ 33. PHASES.—Military government will usually pass through successive phases. In many cases the occupation itself may be successive, and military government will be established in rear areas while active operations are in progress in forward areas. Though all three phases may not exist in every case, generally in a successful campaign in an enemy country each district thereof will pass through the following phases:

a. First phase, while fighting is going on in the district. During this phase little can be done to set up military government, but usually a proclamation will be issued to the people of the occupied territory (see sec. VII and app. IV). Nevertheless, unless all the inhabitants have been evacuated, combat units will of necessity come into contact with them and must deal with them, but should do so as little as possible and devote their attention primarily to their tactical duties. The civil affairs section of the staff of the commanding general, theater of operations, will prepare instructions to be issued to the commanding officers of tactical units to govern their actions in such dealings. In general, relations with the inhabitants during this period will be conducted through the provost marshal and military police. During this phase some members of the civil affairs section of the staff of the commanding general of the theater of operations should accompany tactical units in order to secure advance information of areas being occupied while other members are preparing plans and orders for the establishment of military government.

b. Second phase.—During this phase organized resistance has ceased in the district in question and military government is organized and operates, though peace has not been definitely and finally established between the United States and the occupied country. Not later than at the beginning of this phase, the commanding general should publish ordinances (sec. VIII and app. V) setting out what is required of the people of the occupied territory, and what it is forbidden that they should do. Also during this phase the civil affairs

section of the staff of the commanding general, theater of operations, should be planning for military government of any other districts that may be subsequently occupied.

c. Third phase, after fighting between the United States and the enemy nation has ceased, in consequence of an armistice or protocol which renders the resumption of hostilities highly improbable, of the surrender or destruction of the enemy's armed forces, or of a treaty of peace. During this period the basic policy of military necessity (par. 9*a*) operates with greatly diminished force, if at all. The policies adopted for the operation of military government will be affected to some extent during all phases, but especially during the third phase, by the anticipated future status of the occupied territory, i. e.:

(1) Permanent retention by the United States, as in Puerto Rico;

(2) Its erection into a new state, as in Cuba; or

(3) Its return to its former sovereign or to its own people, as in Vera Cruz in 1914 and in Germany in 1918–23.

In advance of the time when they will be needed, the Personnel Division (G–1) of the War Department General Staff will make plans for the transition from military to civil government. The civil affairs section of the staff of the commanding general, theater of operations, will make such further and more detailed plans for such transition as may be necessary and at the proper time will supervise such transition. Generally activities of the military government will be gradually curtailed during this period, and more and more of its operations taken over by the civil government until the latter assumes full control and the Army becomes merely a garrison or is withdrawn.

SECTION VII

PROCLAMATION

■ 34. TIME OF ISSUANCE.—Though such action is not legally prerequisite to the establishment of military government, the commanding general, theater of operations, at as early a date as is practicable during the first phase or at the latest at the beginning of the second phase, should issue a proclamation to the people of the occupied territory.

■ 35. FORM AND CHARACTER.—In order that the entire population may read it in full, the proclamation should be brief, should be clearly and idiomatically translated into the language of the occupied country, and published in English and in that language as promptly and as widely as practicable. Its tone should be dignified and firm, but not harsh or needlessly offensive. It should be signed by the commanding general of the theater of operations.

■ 36. CONTENTS.—The contents of the proclamation will vary according to the circumstances of the occupation. For a type proclamation, see appendix IV. In general, the proclamation will cover the following points:

a. Declaration of the occupation.

b. Purpose and policy of the occupation.

c. Supremacy of the military authority of the United States, involving—

(1) Suspension of political ties with and obligations to the enemy government.

(2) Obedience to the commanding general and other military authorities, particularly military police and personnel on civil affairs duty.

(3) Abstinence from acts or words of hostility or disrespect to the occupying forces.

d. Except insofar as they may be changed by the military authority, continuance in operation or on duty of—

(1) Local laws and regulations.

(2) Executive and judicial officers.

(3) Railroads and public utilities.

e. Assurance that the people will be protected by the occupying army in their persons, property, family rights, religion, and in the exercise of their occupations.

f. Duty of the people to continue or resume their usual occupations.

g. Statement that this proclamation will be accompanied or followed by more detailed ordinances (sec. VIII).

SECTION VIII

ORDINANCES

■ 37. TIME OF ISSUANCE.—At the same time as the publication of his proclamation to the people of the occupied terri-

tory or as soon thereafter as practicable, the commanding general, theater of operations, should issue ordinances regulating their conduct.

■ 38. FORM AND CHARACTER.—The ordinances should inform the people of the occupied territory what is required of them, what it is forbidden that they should do, of the tribunals before which they may be tried, and of the punishments which such tribunals may impose. In justice to the people of the occupied territory (par. 9*b*), offenses should be clearly defined. Unfamiliar technical terms should be avoided so far as possible, as well as vague and all-inclusive language, such as, "Whosoever commits any act whatsoever injurious to the American Army * * * will be punished as a military court may direct." The ordinances should be clearly and idiomatically translated into the language of the occupied country and published in English and in that language as promptly and as widely as is practicable. Ordinances may be amended or a new edition of them published as experience may show to be necessary; but frequent changes may be taken by the people of the occupied territory as indications of vacillation and weakness, and are to be avoided. In general, it is better policy to be strict at the beginning of an occupation and gradually to relax requirements, than to follow the opposite course.

■ 39. CONTENTS.—The contents of the ordinances will vary according to the mentality, laws, and customs of the people of the occupied territory, its geography and history, the strategical and tactical situation, and other attendant circumstances. For type ordinances, see appendix V. In general, the ordinances will cover the following points, or such of them as may be necessary:

a. Identity cards.

b. Circulation of personnel and vehicles on the highways, by rail, water, and otherwise.

c. Meetings, parades, speeches, songs, and music.

d. Enemy flag, national anthem, and uniform.

e. Communication by mail, telegraph, cable, telephone, radio, pigeon, and otherwise.

f. Newspapers, magazines, and books.

g. Photographs.

h. Manufactures and commerce.

i. Prices.

j. Arms, ammunition, and explosives.

k. Intoxicating liquors and narcotics.

l. Sanitation and public health.

m. Prostitution.

n. Taxes, contributions, supplies, and requisitions.

o. Billeting.

p. Various offenses:

(1) Injury or violence to the person of any member of the Army of the United States.

(2) Larceny, embezzlement, sale, purchase, receipt in pawn, or wrongful possession of or damage to any property of the United States or of any person belonging to the Army of the United States.

(3) Interference with troops or with any activity of the Army of the United States.

(4) Disobedience of or failure to obey a lawful order of the commanding general of the theater of operations or of any subordinate.

(5) False statement to any military personnel on a matter of official business or concern.

(6) Damage to, obstruction of, or interference with, roads, railroads, canals, wharves, waterworks, electric light and power plants or transmission lines, gas works, or the like.

(7) Spying, communication with the enemy, or aid to him.

(8) Spreading hostile propaganda.

(9) Escape from confinement.

(10) Disrespect to the United States, its government, flag, Army, or personnel.

(11) Aiding or advising anyone to do any of the things enumerated above.

q. Military tribunals, their kinds, jurisdiction, procedure, the maximum sentences which each kind of tribunal may impose, and a table of maximum punishments for the more usual offenses (par. 28*c*).

r. Claims, petitions, and complaints.

APPENDIX I

SUMMONS TO DEFENDANT

■ 1. GENERAL.—It is intended that these summonses be printed in books similar to the books of "tickets" carried by traffic policemen, of a size which may be carried in the pocket of a uniform coat or shirt, serially numbered, with carbon paper interleaved so that an original and a copy may be made at one writing. Such books may be carried by personnel on civil affairs duty, military policemen, and, if authorized by the commanding general of the theater of operations, by civilian policemen. The summons will be printed in English and in the language of the occupied country in alternate lines. The explanation of the defendant's rights and the admonition that failure to comply will result in punishment should be printed on the original of the summons only. The acknowledgment of receipt and certificate of service will be printed in the corresponding place on the copy only. The explanation of the defendant's rights contained in the summons should also be printed as a separate paper, and a copy of it should be handed to every defendant who is not served with a formal summons.

■ 2. DIRECTIONS PRINTED INSIDE OF BOOK.—The following will be printed inside the cover of the book:

DIRECTIONS

1. Summons books will be carried by personnel on civil affairs duty whose duties are likely to require their use, by military policemen, and by such other persons as may be directed.

2. The forms herein will be used in case a civilian charged with an offense triable by military tribunal is released on or without bail for investigation or trial at a future time. They will *not* be used if the defendant is to be confined until trial.

3. If charges have been drawn, a copy of them will be attached to the original of the summons. Otherwise a brief abstract of the charges will be inserted in the summons, as "failure to have identification card, Smithtown, Apr. 25/40"; "wrongful possession of pistol, Jonesville, May 31/40."

4. The original summons will be given to the defendant in person if practicable; otherwise it may be left with an adult member of the household at his residence or with a person in authority at his place of business or employment, or sent by mail. The person serving the summons will request the defendant or other person to whom he delivers it to sign the acknowledgement of receipt. Whether he obtains such a signature or not, the person serving the summons will fill out and sign the certificate of service. The person serving the summons will forward the copy through military channels to the trial judge advocate of the military commission, the provost court, or the investigating officer before whom the defendant is summoned to appear.

■ 3. FORM OF SUMMONS.

SUMMONS

No. _____.

ARMY OF THE UNITED STATES

MILITARY GOVERNMENT of _____
_____
(Place)
_____
(Date)

To _____
(Name)
_____
(Street and number, road, or other local address)
_____, _____
(City or town) (State or province)

You are hereby summoned and required to appear in person on _____, at _____, __M.,
(Date) (Hour)
before _____,
(Name of tribunal or officer)
at _____,
(Street and number, building and room, or other local address)
_____, _____,
(Place) (State or province)
for {investigation of / trial upon} charges against you {attached, / as follows:}

You are informed that you are entitled to—

a. Have in advance of trial a copy of the charges upon which you are to be tried, if you so desire.

b. Consult a lawyer before trial and to bring him to the trial with you, at your own expense.

c. Apply to the court for further time to prepare your defense, if necessary; but the action to be taken upon such request is a matter for the decision of the court.

d. Bring with you such witnesses as may be necessary, or to have them summoned at your request by the American military authorities.

e. Testify in your own behalf at your trial, but you are not required to do so, and your failure to testify will not create any presumption of guilt against you.

Unexcused failure to comply with this summons will constitute an additional offense subjecting you to punishment.

_____
(Signature of trial judge advocate of a military commission, provost court, officer or enlisted man on civil affairs duty, military policeman, or other authorized person.)

_____
(Place)

_____
(Date)

I acknowledge receipt of the summons of which this is a copy.

_____
(Signature of defendant)

_____
(Place)

_____M, _____
(Hour) (Date)

I hereby certify that I have at the above place, hour, and date duly served the summons of which this is a copy upon the defendant therein named

in person.

by leaving it at the address above stated with _____

by mailing it to him at the address above stated.

_____
(Signature of person serving the summons)

_____
(Grade and organization)

_____
(Official position)

APPENDIX II

SUBPOENA FOR CIVILIAN WITNESS BEFORE MILITARY TRIBUNAL

■ 1. GENERAL.—The subpoena will be printed in English and in the language of the occupied country in alternate lines.

■ 2. FORM FOR SUBPOENA.

SUBPOENA

ARMY OF THE UNITED STATES

MILITARY GOVERNMENT OF _____
_____
(Place)
_____
(Date)

To _____
(Name)
_____
(Street and number, road, or other local address)
_____, _____
(Place) (State or province)

You are hereby summoned and required to appear in person on _____, at _____M,
(Date) (Hour)
before _____,
(Name of tribunal)
at _____,
(Street and number, building and room, or other local address)
_____, _____, to
(Place) (State or province)
testify and give evidence as a witness for the _____
(Prosecution, defense, court)
in the case of _____;
and you are required to bring with you, to be used as evidence in said case, the following described articles or documents:

_____
_____
_____
_____
_____
_____
_____

Unexcused failure to comply with this subpoena will subject you to punishment.

(Signature of trial judge advocate of a military commission or provost court)

(Place)

(Date)

I acknowledge receipt of the subpoena of which this is a copy.

(Signature of defendant)

(Place)

---M, ---

(Hour) (Date)

I hereby certify that I have at the above place, hour, and date duly served the subpoena, of which this a copy, upon the defendant therein named

in person.
by leaving it at the address above stated with ---
by mailing it to him at the address above stated.

(Signature of person serving the subpoena)

(Grade and organization)

(Official position)

■ 3. DIRECTIONS TO BE PRINTED ON BACK OF FORM.

DIRECTIONS

1. The order to the witness to bring articles or documents will be stricken out if not needed.

2. An original and one copy of each subpoena will be prepared. The original will be given to the defendant in person if practicable; otherwise it may be left with an adult member of the household at his residence or with a person in authority at his place of business or employment, or sent by mail. The person serving the subpoena will request the defendant or other person to whom he delivers it to sign the acknowledgment of receipt on the copy. Whether he obtains such a signature or not, the persons serving the subpoena will fill out and sign the certificate of service on the copy. The person serving the subpoena will forward the copy through military channels to the trial judge advocate of the military commission, the provost court, or the investigating officer before whom the witness is directed to appear.

APPENDIX III

CHARGE SHEET

NOTE.—If this sheet does not contain sufficient space for the list of witnesses, charges, and specifications, remarks, or other entries, additional sheets may be added and securely attached.

ARMY OF THE UNITED STATES

MILITARY GOVERNMENT OF _____

_____
(Place)

_____
(Date)

Name of defendant _____
(Last name followed by first and middle names)

Occupation _____ Address _____

Age _____ Sex _____ Marital status _____ Number of minor children or dependents other than wife _____

Witnesses: _____
(State names and addresses and whether for prosecution or defense)

List articles or documents to be introduced in evidence, and state where each may be found_____

_____

Previous convictions attached _____
(Number)

Information as to restraint of accused _____
(State whether or not in confinement, and if so, since what date)

Headquarters, Office of Civil Affairs } _____
(Name of command or office)

_____ _____
(Place) (Date)

The charges on the reverse side of this sheet are referred for trial to _____
(Grade, name, and organization)

_____, _____
(Trial judge advocate of military commission, superior or inferior provost court) (Place)

By_____ of _____
(Command or order) (Grade and name of officer referring charges)

_____
(Signature)

_____, Adjutant.
(Grade and organization)

(If the officer referring the charges for trial has no adjutant or so desires, he may sign the order of reference himself.)

[Back of Charge Sheet]

NOTE.—The provost court will fill in the blanks left for pleas, findings, and sentence. If the charges are tried by military commission, those blanks as well as those for the reviewing authority will not be used, but a complete stenographic record like that of a general court martial will be made.

	Plea	Finding
Charge: Violation of _____ (Insert a definite citation of the ordinance or order violated. If the unwritten laws of war were violated, insert "the laws of war.")		

Specification:

I certify that *I have personal knowledge of the matters set forth in specifications _____
(Give specification and charge numbers)
and *have investigated the matter set forth in _____
(Give specification and charge numbers)
_____, and the same are true in fact to the best of my knowledge and belief.

_____
(Name)
_____, Accuser.
(Grade and organization)

*Strike out words not applicable. If the accuser has personal knowledge of the facts stated in one or more specifications or parts thereof and his knowledge as to other specifications or parts thereof is derived from investigation of the facts, the form of the certificate will be varied accordingly. In no case will he be permitted to state alternatively as to any particular charge or specification that he either has personal knowledge or has investigated.

Sentence _____
Date of trial _____ Was fine paid? _____
(Yes or no)
Remarks _____
_____
_____
(Signature)
_____
(Grade and organization)
_____ Provost Court
(Inferior or superior)

_____
Headquarters, Office of Civil Affairs }
_____
(Name of command or office)
_____, _____
(Place) (Date)
_____
(Action of reviewing authority, if any)
_____
(Signature)
_____, Commanding
(Grade and organization)

APPENDIX IV

PROCLAMATION

ARMY OF THE UNITED STATES

MILITARY GOVERNMENT of _____

Headquarters of the Theater of Operations

_____

(Place)

_____

(Date)

To the people of _____

(Here insert the state or states, province or provinces, or other, districts occupied)

and such other parts of_____

as are now or may hereafter be occupied by the Army of the United States.

The Army of the United States has occupied the (state(s)) (province(s)) above named and is advancing farther into _____ territory. The purpose of its occupation is _____.

It is the policy of the Army of the United States not to make war upon you, the civilians inhabiting the occupied territory; but, on the contrary, to maintain tranquillity and order in that territory. As Commanding General of the Theater of Operations, I have therefore established military government in the ((states) (provinces)) above mentioned and will set up such government in territory hereafter occupied. The establishment and operation of military government, by preserving order, will benefit you. It is therefore to your interest, as well as your duty, to cooperate with and obey it.

During the occupation the political ties which have hitherto bound you to the ((republic) (king)) of _____ and your obligations of obedience to and support of it (him) are suspended; and the authority of the Army of the United States and of the military government established by it is supreme. You must therefore obey promptly and fully, in letter and in spirit, such orders and ordinances as I, my successors as Commanding General of the Theater of Oper-

ations, and subordinate military authorities may issue from time to time. In particular you must obey the directions of military policemen, who wear a blue arm band bearing the letters "MP," and personnel on civil affairs duty, who wear a purple arm band bearing the letters "CA." You must refrain from any act or word of hostility or disrespect to the occupying forces.

Your laws and regulations in force at the time of our occupation will remain in force except insofar as they are inconsistent with a state of war or with the rights and safety of the occupying forces or as they may be changed by me or my successors. The executive and judicial officers of your government and of its ((states) (provinces)), counties, and cities will continue the performance of their duties as usual, subject to supervision and direction by personnel of the Army of the United States on civil affairs duty. The meetings and functions of your (Congress) (Parliament) and of the legislatures of your (states) (provinces) are suspended. The officers and employees of the railroads, steamboat lines, canals, bus and truck lines, street railways, electric light and power plants and transmission lines, telephones, telegraphs, cables, radio stations, waterworks, gas works, and other public utilities within the occupied territory must continue in the performance of their duties.

You who obey the directions given in this Proclamation and in other orders and ordinances have nothing to fear from the Army of the United States and will be protected by it in your persons, property, family rights, religion, and in the exercise of your occupations. You who fail to render such obedience or who commit crimes or offenses will be severely punished.

It is your duty as well as to your interest to continue your usual occupations, to open your churches and schools, and to resume so far as possible the ways of peace.

This Proclamation will be (accompanied) (followed) by ordinances setting out in detail what is required of you and what it is forbidden for you to do.

General, U. S. Army,
Commanding.

APPENDIX V

ORDINANCES

ARMY OF THE UNITED STATES

MILITARY GOVERNMENT of_____
Headquarters of the Theater of Operations

_____
(Place)

_____
(Date)

To the people of_____
(Here insert the state or states, province or provinces, or other districts occupied)
and such other parts of_____
as are now or may hereafter be occupied by the Army of the United States.

The following ordinances are published for your government and must be strictly observed. Failure to obey them will be severely punished. Ignorance of these ordinances will not be admitted as a defense.

1. IDENTIFICATION.—*a. Identity cards.*—(1) *Who must have identity cards.*—Every person of the age of 13 or older must have an identity card and must carry it with him when outside his own premises.

(2) *Issue.*—Every person required to have an identity card and living in a city or commune must apply for one to the mayor or to such other person or persons as the mayor may designate. The mayor or his delegate, after first satisfying himself of the identity of the applicant and of the truth of the information supplied by him, will issue without charge an identity card stating the full name, age, sex, marital condition, occupation, and residence of the applicant, his height and weight, and the color of his hair and eyes. The mayor or his delegate will require the applicant in his presence to sign his name on the card (if he knows how to write) and to affix the print of his right thumb. The mayor or his delegate will sign his name and affix the seal of the city or commune

and note thereon the date of issue. A person not living in a city or commune will apply to the sheriff of the county in which he resides for an identity card. The sheriff or such other person or persons as he may designate will issue the same as above directed. Printed cards will be furnished to issuing officers, but in their absence they may type or write provisional identity cards which must cover the points above mentioned.

(3) *Changes.*—Every person changing his name, marital condition, occupation, or residence will at once notify the officer authorized to issue an identity card to him of such changes, will surrender his old card, and request a new one.

(4) *Loss.*—Every person who loses a card will at once apply to the proper officer for a new one. The issuing officer may charge a fee, not to exceed 50 cents, for the issue of a new card, on which he will stamp or write "duplicate."

b. Lists of occupants.—The head of each household will post on the inside of the principal outer door of his dwelling a list showing the name, sex, age, and occupation of every person residing in the building. Proprietors of hotels or inns will keep this information as to transient guests in a book or on cards.

■ 2. CIRCULATION.—*a. Circulation without pass.*—(1) *Area.*—All persons resident within a city or commune may circulate freely during permitted hours within that city or commune and within a radius of ten kilometers from its city hall. Persons not resident within a city or commune may circulate freely during permitted hours within a radius of ten kilometers from their homes.

(2) *Hours.*—Except for authorized travel by rail or vessel, and except for physicians, nurses, railroad employees, firemen, and policemen on necessary duty or travel connected with their occupation, all circulation is forbidden between 8 PM and daylight the following morning.

b. Passes.—Anyone having legitimate business or personal reasons for making a journey or journeys longer or at other hours than above permitted will submit request for a pass to the nearest headquarters or office of the military police, with proof of the necessity for the journey. A special pass

is required either to enter or leave the occupied territory. Employees of railroads, steamship, and bus companies, taxicab drivers, and others are forbidden to sell tickets to or to transport any person farther than is permitted in *a*(1) above or at hours other than is permitted in *a*(2) above, except upon presentation of a pass by the traveler.

■ 3. MEETINGS, PARADES, SPEECHES, SONGS, AND MUSIC.—*a. Meetings.*—(1) *Meetings for religious purposes,* including preaching services, celebration of mass or holy communion, prayer meetings and the like, Sunday schools, meetings for study of the Bible, the catechism, missions, and the like, baptisms, weddings, and funerals, and meetings of vestries, sessions, boards of trustees of churches, and the like may be held freely without permit, provided they are held in a building exclusively devoted to religious uses and are open to the public.

(2) *Schools* may be held freely without permit, as may meetings of school boards if held in the school and open to the public.

(3) *Courts* may be held freely and without permit, provided they meet at the court house or other usual place of meeting and are open to the public.

(4) *City councils,* or boards of aldermen or selectmen may meet freely and without permit, provided their meetings are held in the city hall or other public building and are open to the public.

b. Parades.—Religious parades may be held without permit provided they do not obstruct traffic.

c. Hours.—Meetings and parades without permit authorized by *a* and *b* above must be held between sunrise and 8 PM.

d. Permits.—(1) *When required.*—Except for the meetings and parades mentioned in *a* and *b* above, held between the hours mentioned in *c* above, no assembling in crowds, no meeting, whether indoors or out, and no parade may take place without a permit.

(2) *By whom issued.*—Permits for meetings and parades will be issued by the provost marshal of the city or commune in which the meeting or parade is to be held, or, if there is no such officer or the meeting or parade is to be held in a

place not in any city or commune, by the provost marshal of the county.

(3) *Application.*—The president of the club or society which is to hold the meeting or parade or the person who is to preside at or have charge of it will make application for a permit to hold a meeting or parade not later than the third business day previous to the day of the meeting to the officer who, according to (2) above, is authorized to issue a permit for it. The application will contain the following information with respect to the meeting or parade:

(*a*) Place or route.
(*b*) Date and hour.
(*c*) By what society, club, organization or person held.
(*d*) Purpose.
(*e*) Whether or not open to the public.
(*f*) What persons or classes of persons are invited or expected to attend.
(*g*) What number of persons are expected to attend.
(*h*) Program, including names of speakers and their subjects, titles of plays to be performed, songs to be sung, music to be played, moving or still pictures to be shown.
(*i*) Anticipated hour of adjournment or closing.

(4) *Submission of text, preview.*—If he thinks proper to do so, the officer to whom an application is addressed may require submission to him of the text of speeches to be made, songs to be sung, or plays to be performed, or a preview of any moving or still pictures to be shown.

(5) *Liability of permittee.*—The person to whom the permit is issued will be punished by military tribunal for any deviation from the authorized program.

e. Speeches, songs, music, etc.—Neither at a meeting or parade authorized under this paragraph nor elsewhere shall any speech be made, words uttered, gestures made, songs sung, music played, plays performed, pictures, banners, or placards exhibited expressing hostility or disrespect to the United States, its armed forces or any member thereof, or the military government.

f. Observation of meetings and parades.—The officer in charge of civil affairs in the county, city, or commune in

which the meeting or parade is held, or the provost marshal, or any subordinate of either, may attend any meeting or parade, and, if there occurs at such meeting or parade any violation of these ordinances or any deviation from the authorized program, he may forthwith stop the meeting or parade and cause the arrest of those present or require them to disperse.

■ 4. _____, FLAG, NATIONAL ANTHEM, AND UNIFORM.—*a. Flag and national anthem.*—As a state of war exists between the United States and _____ _____, the public display of the _____ _____ flag or colors, or the public singing or playing of the _____ national anthem is prohibited.

b. Uniform.—Personnel of the _____ armed forces within the occupied territory must wear their uniform at all times in public. Other persons are forbidden to do so, except that former members of such forces may wear their uniforms, provided cap and collar ornaments, uniform buttons, insignia, chevrons, and other distinguishing marks are removed.

■ 5. COMMUNICATION BY MAIL, TELEGRAPH, CABLE, TELEPHONE, RADIO, PIGEON, AND OTHERWISE.—*a. General.*—(1) *Forbidden communications.*—It is forbidden to send, transmit, or knowingly to receive by any means of communication whatever any information concerning the American forces, their location, numbers, morale, arms, equipment, or movements, or the identity of units of such forces. It is forbidden to send, transmit, or knowingly to receive by any means of communication whatever any message containing anything hostile, detrimental, or disrespectful to the United States, its armed forces, their personnel, or the military government. Any person innocently receiving any forbidden communication must report that fact and deliver the communication forthwith to the military police. It is forbidden to communicate directly or indirectly with the _____ government, its armed forces, or the territory under their control.

(2) *Censorship.*—All communications, by whatever means transmitted, are subject to censorship.

(3) *Languages, codes.*—The use in any communication by whatever means transmitted of any language other than English or _____, or of a code or
Language of the occupied country
any other device concealing the true meaning of the message is forbidden.

(4) *Injury to means of communication.*—Any stealing, embezzling, destruction of, or injury to—

(*a*) Mail, postoffices, mail boxes, trucks, bags, or other postal equipment;

(*b*) Telegraph wires or cables, insulators, apparatus, or messages;

(*c*) Telephone instruments, switchboards, conduits, cables, wires, insulators, or apparatus; or

(*d*) Radio transmitting apparatus;

or interference with lawful communication by any of the above means, will be punished by military tribunal.

b. Mail.—(1) *Address of sender.*—The sender of every letter or article by mail must place his name and address thereon.

(2) *Private transmission of letters forbidden.*—Except within the city or commune of origin, it is forbidden to send, carry, or receive any letter outside of the mail.

c. Telegraph and cable.—(1) *Censorship.*—No telegraph operator shall transmit any telegraph or cable message other than a message to or from the Army of the United States, the American military government, or a message solely concerned with railroad operation, until it shall have passed the censor.

(2) *Private telegraph systems.*—The use of private telegraph systems is forbidden. All such systems must be disconnected and their receiving and sending apparatus turned over to the military police.

d. Telephone.—Telephone connections may be made and conversations held without permit between any two telephones in the same city, or between any telephone not in a city and any other telephone on the same exchange. All private wires, except within the above limits, are forbidden

and must be disconnected. No other telephone connection will be made or conversation held except upon a showing of necessity therefor to and issue of a permit by the provost marshal of the city or county in which the sending exchange is located.

e. Radio.—Every person having in his possession or being in charge of any radio transmitting station or apparatus will turn it over to the provost marshal of the county or city in which it is located if it is portable. If it is not portable, he will notify the provost marshal of its location. Except upon permit issued by the provost marshal, the possession or use of radio transmitting apparatus is forbidden.

f. Pigeons.—(1) *Use for carrying messages forbidden.*—The use of pigeons for the carrying of messages is forbidden.

(2) *Reports.*—Owners or those having charge of carrier pigeons must report to the provost marshal of the county or city in which their pigeons are kept the location of their pigeon-cotes and the number and distinguishing marks of their pigeons.

(3) *Pigeon-cotes* must be kept open day and night.

■ 6. NEWSPAPERS, MAGAZINES, AND BOOKS.—*a. Forbidden matter.*—(1) *Publication* is forbidden in any newspaper, magazine, book, leaflet, poster, or otherwise of any printed, typed, or written matter which is in the interest of the national government of _____, or its armed forces, or in aid or behalf of them, or which is hostile, detrimental, or disrespectful to the United States, its armed forces, or their personnel, or tends to promote dissatisfaction or bad feeling with them.

(2) *Importation* into the occupied territory or the possession therein of any newspaper, magazine, book, or other printed, typed, or written paper containing such matter is also forbidden.

b. Submission before publication or importation.—Every publisher or printer, and every importer of newspapers, magazines, books, or other printed, typed, or written matter into the occupied territory will before publication or importation submit all matter in any manner relating to or touching upon the present war or military occupation, or the

United States, its armed forces, or their personnel, to the provost marshal of the county or city in which his publishing or printing office is located, or of the port or frontier station through which the importation is made, or to such other officer as may be designated, and will secure his permission for its publication or importation.

c. Submission after publication or importation.—Every publisher or printer, and every importer of newspapers, magazines, books, or other printed, typed, or written matter into the occupied territory will immediately upon publication or importation submit to the provost marshal of the county or city in which his office is located, or of the port or frontier station through which the importation is made, or to such other officer as may be designated, two copies of every newspaper or magazine published or imported by him. He will also submit in like manner two copies of any book or other matter published or imported by him which in any manner relates or touches upon the present war or military occupation, the United States, its armed forces, or their personnel.

d. Circulation.—Possession, sale, or gift to any other person of any newspaper, magazine, book, or other printed, typed, or written paper containing such matter as is defined in *a*(1) above, or matter published, printed, or imported in violation of this paragraph, is forbidden.

e. Penalties.—In addition to any other punishment which may lawfully be imposed for any violation of this paragraph, the officer in charge of civil affairs in the county or city in which the offending publishing or printing office is located may suspend the publication of the offending newspaper or magazine for a period not in excess of one week in the case of a daily newspaper, or for one issue of any other publication, or may close a publishing or printing office for one week. In addition to any other punishment which may lawfully be imposed, for a serious violation or for repeated violations of this paragraph the commanding general of the theater of operations may suspend the publication of a newspaper or magazine for a longer period or indefinitely, or may close a publishing or printing office for a longer period or indefinitely.

■ 7. PHOTOGRAPHS.—*a. Taking of photographs.*—The taking of photographs out of doors, except upon a permit issued by the provost marshal of the county or city in which the photograph is taken, is forbidden.

b. Developing and printing of photographs.—It is forbidden knowingly to develop a photographic plate or film exposed out of doors, or to make a print therefrom, except one for the exposure of which a permit has been issued. Any person developing any other plate or film and discovering that it has been exposed out of doors will forthwith turn the same over to the military police with the name and address of the person who exposed it or delivered it to him for developing.

■ 8. MANUFACTURES AND COMMERCE.—*a.* The *manufacture* of any article, other than arms, ammunition, implements of war, explosives (see par. 10, this appendix), or articles hereafter specifically prohibited, is permitted, subject only to such taxes as may be due.

b. Commerce within the occupied territory, except with respect to the prohibited articles mentioned in *a* above, is permitted.

c. *Commerce with the United States and with neutral countries,* except with respect to the prohibited articles mentioned in *a* above, is permitted subject to such duties as may be due or as may hereafter be fixed by the commanding general of the theater of operations. The commanding general may, as to the export business of any commercial house or as to any particular export shipment, require proof that neither the articles exported nor the proceeds of their sale will be sent to the unoccupied part of _____ _____. Articles, the growth or produce of the unoccupied part of _____ may not be imported through neutral countries.

d. Commerce with the unoccupied part of _____ _____ is forbidden.

■ 9. PRICES.—*a. Marking or posting.*—The proprietor or manager of every place of business in which articles are offered for sale at retail will plainly mark every such article with its price. The proprietor or manager of every place

where food or drink is offered for sale to be consumed upon the premises will display a bill of fare giving the price of each dish or beverage or inclusive prices for meals. The proprietor or manager of every hotel, inn, or boarding or lodging house will display in its office or lobby a list of its rooms with the price of each, and, if it serves food or drink, a bill of fare such as is required by the preceding sentence. He will also post in each room the price of that room. The proprietor or manager of every theater or place of entertainment at which an admission fee is charged will post the price of admission or a list of prices of the seats at the entrance thereof. The proprietor or driver of every taxicab or public vehicle will post in or on such vehicle and in any waiting room or office which he maintains the prices at which it may be hired or for which it will transport persons or goods. Every person offering his services or those of his employees, animals, machines, apparatus, or equipment to the public will display at his place of business a price list of the services usually performed.

b. Discrimination forbidden.—It is forbidden to charge or collect any prices other than those marked or posted as required by *a* above. In particular, any discrimination in price, service, quality, or otherwise against the United States, its armed forces, or their personnel, is forbidden.

■ 10. ARMS, AMMUNITION, AND EXPLOSIVES.—*a. Arms and ammunition.*—(1) *Who may possess.*

(*a*) *Sheriffs,* their *deputies, police, jailers,* and *customs guards,* when on duty, may carry pistols and ammunition therefor.

(*b*) *Other civil officials* whose duties require them to carry arms and officials whose duties require them to carry arms other than pistols may do so when on duty but only upon issue of a permit by the military police. Request for such a permit will be made by the official superior of the person who it is desired shall be armed.

(*c*) *Private watchmen* and *detectives* whose duties require them to carry arms may do so when on duty but only upon issue of a permit by the military police. Request for such a permit will

be made by the employer of the person who it is desired shall be armed.

(*d*) *Manufacturers* of and *dealers* in arms and ammunition may carry on their business only upon permit issued by the military police, and in no case will they be permitted to manufacture or keep in stock more than is necessary for current needs. They may make sales only upon permit issued by the military police.

(*e*) *Other persons* who for special reasons need to carry or possess arms may do so only upon issue of a permit by the military police.

(2) *Registration.*—The superior or employer of every person permitted to carry or possess arms or ammunition under (1) above, or the person armed if he has no superior or employer, will register with the military police the description and serial number of his arm and the number of rounds of ammunition in his possession.

(3) *Surrender of unauthorized arms and ammunition.*—All persons in possession of arms or ammunition, other than those permitted to carry arms pursuant to (1) above, must turn in such arms and ammunition to the military police on or before _____, after which date it will be forbidden to all persons save those above mentioned to own, possess, or carry guns, rifles, revolvers, pistols, grenades, swords, daggers, blackjacks, arms, weapons, or ammunition of any kind. The person surrendering such property will affix thereto a tag or label bearing his name and address, and a receipt will be given him.

b. Explosives.—(1) *Who may possess.*

(*a*) *Contractors, miners,* and *others* using explosives in their occupations may do so only upon issue of a permit by the military police.

(*b*) *Manufacturers* of and *dealers* in explosives may carry on their business only upon permit issued by the military police, and in no case will they be permitted to manufacture or keep in stock more than is necessary for current needs. They may make sales only upon permit issued by the military police.

(2) *Surrender of unauthorized explosives.*—All persons in possession of explosives, other than those mentioned in (1) above, to whom permits have been issued, must turn in such explosives to the military police on or before _____, after which date it will be forbidden to all persons save those above mentioned to own, possess, or transport explosives. The persons surrendering such explosives will affix thereto a tag or label bearing his name and address, and a receipt will be given him.

■ 11. INTOXICATING LIQUORS AND NARCOTICS.—*a. Sale* or *gift* to any person of habit-forming drugs (including marijuana) or of alcoholic liquors other than light wine or beer is forbidden; provided, that alcoholic liquors (not to exceed one-fourth of a liter per week) or narcotics may be sold upon a physician's prescription, and provided further that alcohol needed for industrial purposes may be sold upon permit issued by the military police.

b. Hours of sale.—The sale or gift of light wine and beer at retail is permitted from 11 AM to 2 PM and from 5 PM to 8 PM only.

c. Manufacture and *sale at wholesale* of alcoholic liquor (other than light wine or beer) or of narcotics will be permitted only upon issue of a permit by the military police.

d. Stocks of alcoholic liquor (other than light wine or beer) or narcotics will be reported to the military police, who may require their surrender.

e. Penalties.—Violations of this paragraph may render the offender liable to the confiscation of his stock or the closing of his place of business, or both, in addition to any other lawful punishment.

■ 12. SANITATION AND PUBLIC HEALTH.—Existing laws and regulations on sanitation and public health will be continued in force. Health officers of _____, its (states) (provinces), counties, and cities will continue their duties under the supervision of medical officers of the Army of the United States on duty with the military government. The failure of any person to comply with laws, regulations, or orders with respect to sanitation or the public

health will render him liable to punishment by military tribunal.

■ 13. PROSTITUTION.—Any woman who solicits or has illicit sexual intercourse for reward with any member of the armed forces of the United States, any woman suffering from a venereal disease in an infectious stage who solicits or has illicit sexual intercourse with any member of the armed forces of the United States, any person who operates a house of prostitution at which any member of the armed forces of the United States is received, or any person employed at or soliciting trade for such a house will be punished by a military tribunal.

■ 14. TAXES, CONTRIBUTIONS, SUPPLIES, AND REQUISITIONS.—*a. Taxes.*—(1) *Collection.*—Subject to the exemptions mentioned below, national (state) (provincial), and municipal taxes, both direct and indirect, will be collected as usual by the national (state) (provincial), and municipal officers who ordinarily perform that duty.

(2) *Exemptions.*

(*a*) *Property of and transactions with the United States.*—No tax, direct or indirect, will be collected upon any property of the United States, any governmental agency of the United States, or any authorized welfare organization, nor will any tax be collected upon any purchase from, sale to, or any transaction of any kind with the United States or such an agency or organization.

(*b*) *Property of and transactions with personnel of the United States armed forces.*—No direct tax may be laid upon the property or income of any member of the United States armed forces, but they are liable to sales and other indirect taxes.

(3) *Disposition.*

(*a*) *National taxes.*—Except as may be otherwise directed by competent military authority, all taxes normally paid to or used by the_____ _____ national government will be paid by civil officers collecting them to the officer in charge of the fiscal department of the

civil affairs section of the staff of the commanding general of the theater of operations at _____, and will be used so far as necessary to defray the expenses of the military and civil governments of the occupied territory.

(b) (*State*) (*provincial*), *county, and municipal taxes.*—Except as may be otherwise directed by competent military authority, taxes normally paid to or used by (state) (provincial), county, or municipal governments may be paid to and used by them for the purposes for which they are usually expended; provided, that those purposes be not hostile to the United States or the military government and not inconsistent with a state of war.

(4) *Audit.*—All transactions of tax collectors and disbursing officers of the _____ government (states) (provinces), counties, or municipalities, in addition to any other proper inspection and audit, are subject to inspection and audit by officers of the military government.

(5) *Liability.*—All tax collectors, disbursing officers, and others handling public funds are liable to punishment by military tribunal for larceny, embezzlement, wrongful application, or negligent loss thereof, intentional or negligent failure to collect taxes due, or for other official misconduct or failure of duty.

b. Contributions.—Contributions will be levied only in case of necessity and only upon the written order of the commanding general of the theater of operations.

c. Supplies.—Supplies, land, and buildings owned by individuals and services needed by the United States will normally be obtained by agreement between the appropriate officers of the United States Army and the owners or persons whose services are desired. Payment will be made at once in cash or in vouchers payable in cash by a finance officer of the Army of the United States.

d. Requisitions.—(1) *Occasion.*—Requisitions of supplies, land, buildings, or services will be made only if the normal

method of procurement mentioned in c above fails to produce what is needed by the American forces promptly, in sufficient quantity, and at a fair price.

(2) *By whom made.*—Requisitions will be made upon the authority of the commanding officer of the troops in the locality only.

(3) *To whom directed.*—Requisitions will be made upon the mayor or other appropriate civil authority if practicable, but may be made upon individuals in case of necessity.

(4) *What may be requisitioned.*—Supplies, vehicles, animals, land, buildings, or anything else, or the services of persons may be requisitioned if needed by the Army of the United States.

(5) *Payment.*—Payment will be made at once in cash or in vouchers payable in cash by a disbursing officer of the Army of the United States. Prices will be the fair market value, to be fixed by agreement if possible, otherwise by the appropriate military authorities.

(6) *Punishment for noncompliance.*—Any person who fails to comply with a requisition or who conceals or disposes of articles in order to avoid compliance will be punished by a military tribunal.

■ 15. BILLETING.—*a. Occasion.*—Quarters for officers and men and shelter for animals needed by the Army of the United States will, when practicable, be obtained in public buildings or in private buildings or houses by agreement with the owners or occupants. Only when adequate and convenient accommodations cannot be thus obtained promptly at a fair price will resort be had to billeting.

b. By whom demanded.—Demand will be made for billets upon the authority of the commanding officer of the troops in the locality only.

c. *To whom demand addressed.*—Demand for billets will be made upon the mayor or other appropriate civil authority if practicable, but may be made upon owners or tenants of the property needed in case of necessity.

d. What may be demanded.—Rooms for officers, enlisted men, and other personnel, with suitable furniture, beds, bedding, heat, and the use of bathing and toilet accommodations,

and water may be demanded. Stabling, bedding, and water for animals may also be demanded.

e. Payment.—Payment will be made promptly in cash or in vouchers payable in cash by a disbursing officer of the Army of the United States. If practical, payment will be made through the mayor or other appropriate local authority. Prices will be the fair market value of the accommodations furnished, to be fixed by agreement if possible, otherwise by the appropriate military authorities.

f. Punishment for noncompliance.—Any person who fails to comply with a demand for billets will be punished by a military tribunal.

■ 16. VARIOUS OFFENSES.—It is forbidden and will subject the offender to punishment by military tribunal to—

a. Assault, strike, rob, or kill any member of the armed forces of the United States.

b. Commit rape upon any nurse or other woman serving in or accompanying the armed forces of the United States.

c. Steal, embezzle, sell, purchase, receive in pawn, wrongfully have in possession, damage, or destroy any property of the United States or of any person belonging to the armed forces of the United States.

d. Disobey or fail to obey a proclamation, ordinance, or order of the commanding general of the theater of operations, or of any of his subordinates, or of any military tribunal.

e. Make a false statement under oath to any military tribunal; or a false or fraudulent statement, whether under oath or not, to any member of the United States armed forces on any matter of official business or concern; to make a false, fraudulent, or exaggerated claim against the United States; or to forge or alter any identity card, pass, permit, receipt, certificate, voucher, check, or other like paper issued by or addressed to the American military authorities, or with which they have any official concern.

f. Damage railroads, roads, canals, rivers, or other highways, or to interfere with their operation or with travel or commerce upon them, or to steal, embezzle, or wrongfully have in one's possession property belonging or pertaining to them; to damage or interfere with the operation of water-

works or supply, electric light and power plants or transmission lines, gas works, or the like, or to steal, embezzle, or wrongfully have in one's possession property belonging or pertaining to them.

g. Escape from confinement imposed by the armed forces of the United States or the military government.

h. Act as a spy; to violate any of the laws of war; to do any act hostile to the United States or in aid of the armed forces of _____; to aid a prisoner of war or of the military government or the armed forces of the United States to escape or to assist or conceal him after escaping; to assist or advise any member of the United States armed forces to desert, mutiny, surrender, serve as a spy, do anything contrary to his duty, or fail to perform his duty; or to offer or give a bribe to any such member.

i. Attempt to do any of the things above enumerated, or to advise, assist, or procure anyone else to do or attempt to do any of them.

■ 17. MILITARY TRIBUNALS.—*a. Kinds.*—There will be three kinds of military tribunals—

(1) *Military commissions,* consisting of not less than five officers.

(2) *Superior provost courts,* consisting of one officer.

(3) *Inferior provost courts* consisting of one officer.

b. Jurisdiction.—(1) *Over persons.*—The military tribunals herein enumerated shall have jurisdiction over all persons within the occupied territories except those having diplomatic immunity and those subject to the military or naval law of the United States or of countries allied or associated with the United States. Persons in the armed forces of the United States charged with offenses will be tried by court martial.

(2) *Over offenses.*—The military tribunals herein enumerated have jurisdiction over all acts or omissions made crimes or offenses by the laws or regulations of _____, its (states) (provinces), or municipalities, over offenses against the laws of war, and over violations of the proclamations, ordinances, regulations, or orders promulgated by the commanding general of the theater of operations or by any of his subordinates. However, per-

sons charged with offenses against the laws of _____ _____, its (states) (provinces), or municipalities, not involving the United States, its property, rights, or interests, or the person, property, or rights of a member of the occupying forces will ordinarily be tried by the _____ _____ courts, but particular cases or classes of cases may be withdrawn from those courts and referred to military tribunals or dropped.

c. Bail.—Persons charged with minor offenses may be admitted to bail while awaiting trial or released without bail but with a summons to appear for trial.

d. Procedure.—(1) *Rights of defendants.*—Every defendant before a military tribunal is entitled to—

(*a*) Have in advance of trial a copy of the charges upon which he is to be tried, if he so desires.

(*b*) Consult a lawyer before trial and to have such lawyer defend him at the trial, at the defendant's own expense. In addition, one or more officers of the Army of the United States will be detailed as counsel for each defendant before a military commission, and will if desired by the defendant undertake his defense in collaboration with his civilian lawyer, if any.

(*c*) Apply to the court for further time to prepare his defense, if necessary, but the action to be taken upon such request is a matter for the decision of the court.

(*d*) Bring with him such witnesses as may be necessary, or to have them summoned at his request by the American military authorities.

(*e*) Testify in his own behalf at his trial, but he is not required to do so, and his failure to testify will not create any presumption of guilt against him.

(*f*) Have the proceedings at the trial translated for his benefit if he is unable to understand them otherwise.

(2) *Previous convictions.*—A military tribunal may consider, after a finding of guilty and before imposition of sentence, evidence of previous convictions and sentences by either military tribunals or civil courts; provided, that evi-

dence of conviction of an offense legally punishable by imprisonment for more than one year (whether in fact so punished or not) shall be admissible without regard to the date of commission of such offense, but evidence of conviction of an offense not so punishable shall be admitted only if the offense was committed within one year next preceding the commission of any offense of which the defendant shall have been convicted at the trial then in progress.

e. Sentences.

(1) (*a*) *Military commissions.*—A military commission may impose any lawful and appropriate sentence, including death or life imprisonment.

(*b*) *Superior provost courts.*—The maximum sentence which a superior provost court may impose is confinement at hard labor for 6 months and a fine of $1,000, or both.

(c) *Inferior provost courts.*—The maximum sentence which an inferior provost court may impose is confinement at hard labor for 1 month and a fine of $100, or both.

NOTE.—The maximum fines mentioned above should be stated in round numbers in the money current in the occupied territory.

(2) (*a*) *Expulsion.*—A military commission or superior provost court, in lieu of or in addition to any other lawful punishment, may sentence a defendant to expulsion from occupied territory.

(*b*) *Confiscation.*—If a defendant shall be convicted of wrongful sale, purchase, use, or possession of any article or articles, or of the wrongful operation of a place of business for the sale of such articles, a military tribunal, in lieu of or in addition to any other lawful punishment, may decree the forfeiture to the United States of such article or articles, or the stock thereof in his possession or place of business.

(*c*) *Padlocking.*—If a defendant shall be twice convicted of the wrongful sale or gift of intoxicating liquor or a habit-forming drug (including marijuana) at a certain place, or twice convicted of other violations of regulations or

orders with respect to the sale of intoxicating liquors at one place, or once convicted of the wrongful operation of a house of prostitution, a military tribunal, in addition to any other lawful punishment, may order that such place be vacated and closed for a fixed time.

(3) *Table of maximum punishments.*—The punishment stated opposite each offense listed in the table below is hereby prescribed as the maximum limit of punishment for that offense, for any included offense if not so listed, and for any offense closely related to either, if not so listed. Offenses not mentioned will be subject to the same maximum punishment as the offense most nearly similar in this table, or, if there is none such, according to the laws and customs of war and the judgment of the military tribunal. For any offense opposite which the word "death" appears, the tribunal may impose a sentence of death, imprisonment for life, or for any definite term, or any other appropriate sentence. In cases where it considers that course proper, a military tribunal may substitute a fine for all or a part of the confinement authorized, at the rate of $30 fine for each month of confinement, and, for periods less than a month, at the rate of $1 fine for each day of confinement. It may also impose sentence in the alternative on the same basis. A defendant upon whom a fine has been imposed and who cannot or will not pay it may serve in lieu thereof a period of confinement computed upon the same basis.

NOTE.—All amounts here stated in dollars should be stated in round numbers in the money current in the occupied territory.

Paragraph of these ordinances	Offense	Confinement		
		Years	Months	Days
1a (1)	Failure to possess identity card		3	
1a (2)	Issue of false identity card	3		
1a (2)	Issue, through negligence, of incorrect identity card		6	
1a (3)	Failure to report change of name, marital condition, occupation, or residence		1	
1b	Failure to post correct list of occupants		2	
2	Travel without pass		3	

Paragraph of these ordinances	Offense	Confinement		
		Years	Months	Days
2b	Sale of ticket to or transportation of passenger without proper pass		6	
3d (1)	Organizing, promoting, presiding or acting as secretary or other officer at an unauthorized meeting or parade	1		
3d (1)	Attendance at an unauthorized meeting or parade		6	
3d (5)	Permitting deviation from the authorized program		6	
3e	Uttering speech or words, making gestures, singing songs, playing music, acting in a play, or exhibiting a picture, banner, or placard hostile to the United States, its armed forces, or any member thereof, or the military government	5		
3e	Same acts expressing disrespect to the United States, its armed forces or any member thereof, or the military government		6	
4a	Display of the ———— flag, or colors, or public singing or playing of the ———— national anthem		3	
4b	Failure of member of the ———— armed forces to wear his uniform	1		
4b	Wearing of such uniform by an unauthorized person		3	
5a (1)	To send, transmit, or knowingly to receive any communication giving any information concerning the American forces or hostile to the United States, its armed forces, their personnel, or the military government	Death		
5a (1)	Failure to report receipt of such a communication	5		
5a (1)	To send, transmit, or knowingly to receive any other communication detrimental to the United States, its armed forces, their personnel, or the military government	1		
5a (1)	Failure to report receipt of such a communication		3	
5a (1)	To send, transmit, or knowingly to receive any communication disrespectful to the United States, its armed forces, their personnel, or the military government		6	
5a (1)	Failure to report receipt of such a message		1	

Paragraph of these ordinances	Offense	Confinement		
		Years	Months	Days
5*a* (1)	Communication with the ———— government, its armed forces, or the territory under their control	Death		
5*a* (3)	Use of foreign language in a communication			15
5*a* (3)	Use in a communication of a code or other device concealing the meaning	3		
5*a* (4)	Interference with communication by mail, telegraph, telephone, or radio; destruction, larceny, or embezzlement of the mail; destruction of telegraph, telephone, or radio apparatus; or cutting wires or cables	Death		
5*a* (4)	Other offenses under this subparagraph	10		
5*b* (1)	Failure to place name and address of sender on mail			15
5*b* (2)	Sending, carrying, or receiving letters out of the mail		6	
5*c* (1)	Transmission by telegraph operator of uncensored message		6	
5*c* and *d*	Sending unauthorized telegraph or telephone message	1		
5*c* (2)	Possession or use of private telegraph	1		
5*d*	Possession of forbidden private telephone wire	1		
5*d*	To send or knowingly to receive a forbidden telephone message		6	
5*d*	Making unauthorized telephone connection by operator, or permitting unauthorized communication	1		
5*e*	Possession or use of unauthorized radio station or apparatus	5		
5*f* (1)	Use of pigeon for carrying messages	1		
5*f* (2) and (3)	Failure to report carrier pigeons or to keep their cotes open		6	
6	Publication, importation, circulation, or possession of printed, typed, or written matter in the interest of the national government of ————, or its armed forces, or in aid or behalf of them or hostile to the United States	Death		
6	Publication, importation, circulation, or possession of printed, typed, or written matter detrimental or disrespectful to the United States, its armed forces, or their			

Paragraph of these ordinances	Offense	Confinement		
		Years	Months	Days
	personnel, or tending to promote dissatisfaction or bad feeling with them, or which has not been submitted as required	3		
7a	Taking photographs outdoors without permit	1		
7b	Knowingly to develop or print a photograph taken out of doors	1		
7b	Failure of person to report the developing of a plate or film exposed out of doors	1		
8b and c	Commerce, direct or indirect, with the unoccupied part of	5		
9a	Failure to mark or post prices		2	
9b	Charging or collecting prices other than those marked, or discriminating against the United States, its armed forces, or their personnel		6	
10a(1)(d) and 10b(1)(b)	Manufacture of arms, ammunition, or explosives without permit	10		
10a(1)(d) and 10b(1)(b)	Sale of arms, ammunition, or explosives without permit	5		
10a (2)	Failure to register description and number of arms or ammunition lawfully possessed		1	
10a(3) and 10b(2)	Wrongful possession of arms, ammunition, or explosives	5		
11a and c	Wrongful manufacture, sale, or gift of habit-forming drug (including marijuana)	5		
11a	Wrongful sale or gift of alcoholic liquors (other than light wine or beer)		6	
11b	Sale or gift of light wine or beer at an unpermitted hour		1	
11c	Wrongful manufacture or sale at wholesale of alcoholic liquor (other than light wine or beer)	2		
12	Violation of laws, regulations, or orders with respect to sanitation and public health	2		
13	Illicit sexual intercourse for reward with any member of the armed forces of the United States, or solicitation of such intercourse		4	
13	Illicit sexual intercourse with any member of the United States armed forces by a woman suffering from a venereal disease in an infectious stage, or solicitation of such intercourse by a woman so infected		6	

Paragraph of these ordinances	Offense	Confinement		
		Years	Months	Days
13	Operating a house of prostitution at which any member of the armed forces of the United States is received	2		
13	Employment at or soliciting trade for such a house		4	
14a (2)	Wrongful collection of a tax upon property of the United States, any agency of it, any welfare organization; or upon any purchase from, sale to, or transaction with the United States or such agency or organization; or upon the property or income of any member of the armed forces of the United States	1		
14a (5)	Larceny, embezzlement, wrongful application, or negligent loss of public funds—			
	Of a value of $20 or less		6	
	Of a value of $50 or less and more than $20	1		
	Of a value more than $50	5		
14a (5)	Failure or refusal to collect taxes, or other official misconduct or failure of duty with respect thereto	5		
14b	Failure or refusal to collect contributions or other misconduct or failure of duty with respect thereto	5		
14d (6)	Failure or refusal to comply with a requisition, concealment, or disposition of articles to avoid compliance	5		
15f	Failure or refusal to comply with a demand for billets	2		
16a	Killing any member of the armed forces of the United States with malice aforethought		Death	
16a	Wrongful killing of any member of the armed forces of the United States under other circumstances	10		
16a	Wrongful stealing of property from the person of a member of the armed forces of the United States by violence or by intimidation	10		
16a	Assault upon any member of the armed forces of the United States with malice aforethought and with intent to kill	20		
16a	Assault upon any nurse or other woman serving in or accompanying the armed			

Paragraph of these ordinances	Offense	Confinement		
		Years	Months	Days
	forces of the United States with intent to rape	20		
16a	Assault upon any member of the armed forces of the United States with intent to commit any other serious offense	10		
16a	Assault upon any member of the armed forces of the United States with intent to do bodily harm with a dangerous weapon, instrument, or thing	5		
16a	Assault upon any member of the armed forces of the United States with intent to do bodily harm	1		
16a	Striking any member of the armed forces of the United States		6	
16a	Any hostile or threatening act or gesture toward any member of the armed forces of the United States		3	
16b	Rape upon any nurse or other woman serving in or accompanying the armed forces of the United States	Death		
16c	Stealing, embezzlement, sale, purchase, receipt in pawn, or wrongful possession of, or damage to, or destruction of property of the United States or of any person belonging to the armed forces of the United States—			
	Of a value of $20 or less	1		
	Of a value of $50 or less, and more than $20	2		
	Of a value more than $50	Death		
16d	Disobedience of or failure to obey a proclamation, ordinance, or order of the commanding general, or of any of his subordinates, or of any military tribunal, not otherwise specified	5		
16e	False statement under oath before a military tribunal concerning a material matter	5		
16e	Any other false or fraudulent statement to any member of the United States armed forces on any matter of official business or concern	3		
16e	Submission of a false, fraudulent, or exaggerated claim against the United States; forgery or alteration of any receipt,			

Paragraph of these ordinances	Offense	Confinement		
		Years	Months	Days
	voucher, check, or other like paper issued by or addressed to the American military authorities, or with which they have any official concern—			
	When the amount involved is $20 or less		6	
	When the amount involved is $50 or less, and more than $20	1		
	When the amount involved is more than $20	5		
16e	Forgery or alteration of an identity card, permit, pass, or other similar paper issued by or addressed to the American military authorities, or with which they have any official concern	2		
16f	Damage to railroads, roads, canals, rivers, or other highways, or interference with their operation or with travel or commerce upon them; damage to or interference with the operation of waterworks or supply, electric light or transmission lines, gas works, or the like	Death		
16f	Stealing, embezzlement, or wrongful possession of property belonging or pertaining to the foregoing—			
	Of a value of $20 or less		6	
	Of a value of $50 or less, and more than $20	1		
	Of a value more than $50	5		
16g	Escape from confinement imposed by the armed forces of the United States or the military government	1		
16h	To act as a spy; to violate any of the laws of war; to do any act hostile to the United States or in aid of the armed forces of ----------; to aid a prisoner of war or of the military government or the armed forces of the United States to escape or to assist or conceal him after escaping; to assist or advise any member of the United States armed forces to desert, mutiny, surrender, or to serve as a spy	Death		
16h	Assisting or advising any member of the United States armed forces to do any other act contrary to his duty or to fail to			

Paragraph of these ordinances	Offense	Confinement		
		Years	Months	Days
	perform his duty, or offering or giving him a bribe	5		
16*i*	Attempt to do any of the things above enumerated; or advising, assisting, or procuring another to attempt to do so.	One-half the penalty for the principal offense; and if that is death, 20 years.		
16*i*	Advising, assisting, or procuring the commission of any of the above offenses.	Same as principal offense.		

f. Approval, confirmation, and review.—No sentence of a military commission shall be carried into effect until it shall have been approved by the officer appointing the commission or his successor. No sentence of death shall be carried into execution until it shall have been confirmed by the Commanding General of the Theater of Operations. The sentence of a provost court shall be executed forthwith without awaiting action by higher authority, but all records of trial by military tribunals will be examined at the headquarters of the officer who appointed the tribunal and at the headquarters of the theater of operations with a view to the correction of any irregularity or injustice.

■ 18. CLAIMS, PETITIONS, AND COMPLAINTS.—Claims, petitions, and complaints must be in writing addressed to the officer in charge of civil affairs of the city or county in which the maker thereof lives and must be presented through the mayor of his city or commune. A claim, petition, or complaint may be presented by an attorney, but joint petitions or complaints will not be permitted. Pecuniary claims and complaints based on a particular incident must be in the mayor's hands within one week from the time that the claim accrued or the incident occurred. The mayor will carefully investigate all claims, petitions, and complaints; and will return those which are exaggerated, frivolous, fraudulent, or false to their makers. He will forward others with a written report and recommendation to the officer in charge of civil affairs of the city or county.

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